

REMARKS

Reconsideration of this Application is respectfully requested. Claims 15-21, 23- 29, 32-36 and 38-49 are pending in the application, with claims 15, 23, 28, and 34 being the independent claims. The claims stand rejected under 35 U.S.C. 102. This rejection is traversed for the reasons below.

The Claims are Patentable Over Russo

Claims 15-21, 23-29, 32-36 and 38-49 stand rejected under 35 U.S.C. 102(e) as being unpatentable over U.S. Publication No. 2003/0115475 to Russo et al. ("*Russo*"). This rejection is traversed for the reasons below.

Unlike independent claim 15, which recites "disabling functionality within the personal identification device after the receiving the digital certificate until biometric data associated with enrollment is received," *Russo* is entirely silent. More particularly, *Russo* fails to disclose disabling any functionality within the personal identification after receiving a digital certificate. *Russo* merely discloses forming a biometrically-enhanced certificate by adding fields containing biometric information derived from a user to a conventional Public Key Certificate. Once the biometrically-enhanced certificate has been received in *Russo*, the device is fully functional and further biometric data for enrollment is not used. Accordingly, the Applicants request that the rejection of independent claim 15 and its dependent claims under 35 U.S.C. § 102(e) be withdrawn.

Unlike independent claim 23, which recites "producing a digital certificate based on the identifier and independent of biometric data; and sending the digital certificate to the personal identification device such that the personal identification device is configured to enroll initial

biometric data after the receiving the digital certificate,” *Russo* is entirely silent. More particularly, *Russo* fails to disclose or suggest sending a digital certificate to a personal identification device such that the personal identification device is configured to enroll initial biometric data after receiving of a digital certificate. Instead, *Russo* merely discloses sending a biometrically-enhanced certificate to a device. This biometrically-enhanced certificate is not “independent of biometric data” because the user’s biometric data is used in the formation of the biometrically-enhanced certificate. Once the biometrically-enhanced certificate has been received, further biometric data is not used for enrollment. Accordingly, the Applicants request that the rejection of independent claim 23 and its dependent claims under 35 U.S.C. § 102(e) be withdrawn.

Unlike independent claim 28, which recites a “processor configured to disable functionality associated with sending biometric data after a digital certificate is received and before biometric data associated with enrollment is received,” *Russo* is entirely silent. As discussed above in connection with independent claim 15, once the biometrically-enhanced certificate has been received in *Russo*, the device is fully functional and further biometric data is not used for enrollment. Accordingly, the Applicants request that the rejection of independent claim 28 and its dependent claims under 35 U.S.C. § 102(e) be withdrawn.

Unlike independent claim 34, which recites “disabling functionality within the personal identification device after the receiving the digital certificate and before biometric data associated with enrollment is received,” *Russo* is entirely silent. As discussed above in connection with independent claims 15 and 28, once the biometrically-enhanced certificate has been received in *Russo*, the device is fully functional and further biometric data is not used for

enrollment. Accordingly, the Applicants request that the rejection of independent claim 34 and its dependent claims under 35 U.S.C. § 102(e) be withdrawn.

Conclusion

All of the stated grounds of rejection have been properly traversed. The Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. The Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that further personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this application is respectfully requested.

Dated: October 11, 2007

Cooley Godward Kronish LLP
ATTN: Patent Group
777 6th Street, N.W.
Washington, DC 20001-2421
Tel: (703) 456-8000
Fax: (202) 842-7899

Respectfully submitted,
COOLEY GODWARD KRONISH LLP

By: 

Christopher R. Hutter
Reg. No. 41,087